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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,300	12/12/2001	Dominick Venezia	12272	5606

7590 10/24/2003
Richard W. Goldstein
2071 Clove Road
Staten Island, NY 10304

EXAMINER

GLESSNER, BRIAN E

ART UNIT PAPER NUMBER

3635

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,300

Applicant(s)

VENEZIA, DOMINICK

Examiner

Brian E. Glessner

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The following office action is in response to the amendment filed on August 11, 2003.

Claims 1-4 are pending in the application. Claims 1-4 stand rejected as set forth below.

Claim Rejections - 35 USC § 112

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As set forth in the previous office action, the examiner was uncertain if the applicant was claiming the roof venting and cover assemblies in combination with the roof, or if the applicant was merely trying to claim the roof venting and cover assemblies for use with the roof. The applicant stated that the claims were amended to reflect that only the roof venting and cover assemblies were being claimed. However, the scope of the claims remains unclear because the claims still claim the roof venting and cover assemblies as being attached to the roof. For example, claim 1, lines 8 and 9 claims "wherein the narrow upper duct portion has an open upper end disposed within an opening in a roof". This phrase, i.e. disposed in, positively claims the roof. If the applicant does not want to positively claim the roof, the claim should read as follows: "wherein the narrow upper duct portion has an open upper end configured to be disposed within an opening in a roof". Appropriate correction is required.

Further, since the applicant has stated that he only wants to claim the roof venting and cover assemblies, the examiner will examine the claims in this manner.

Claim Rejections - 35 USC § 103

1. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mantyla ('516) in view of Granger ('996).

Mantyla teaches a housing that includes a narrow upper duct portion 20, a wide lower scoop portion 36, the narrow upper portion has an open upper end, the lower portion has an open lower end, there is an openable lid or cover member 14 secured to the open upper end of the duct portion, there is a ventilation grate 30 secured over the open lower end of the lower portion, the cover member includes a peripheral frame (as seen in Figure 1 around 14) around the open upper end, and the peripheral frame includes a raised peripheral lip (as seen in Figure 1) extending upwardly from the inner edge thereof. The frame includes the flat portion that is in contact with the ceiling and the raised portion is the portion extending from the flat portion that is against the ceiling. Mantyla does not specifically disclose that the openable lid is hingedly coupled with the raised peripheral lip on the open upper end. Granger teaches that it is known to provide an openable lid/cover 14 that is hingedly coupled with a vent opening of a roof ventilator. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to hingedly attach Mantyla's cover/lid 14 to the peripheral lip, because by having the cover/lid hingedly attached to the lip, one could inspect the fan or interior of the duct if needed without having to disassemble the entire mounting structure.

Response to Arguments

2. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3635

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Glessner whose telephone number is 703-305-0031.

The examiner can normally be reached on Monday-Friday 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

B.G.
October 22, 2003



**BRIAN E. GLESSNER
PATENT EXAMINER**